

IN THE UNITED STATES COURT OF APPEALS

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FOR THE ELEVENTH CIRCUIT

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No. 06-16099-F
DEBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

JAN 26 2007

THOMAS K. KAHN
CLERK

JERRY EUGENE WHITLEY,

Petitioner-Appellant,

versus

J.C. GILES, Warden,
TROY KING, The Attorney
General of the state of
Alabama,

Respondents-Appellees.

Appeal from the United States District Court for the
Middle District of Alabama

ORDER:

Appellant's motion for a certificate of appealability is DENIED because appellant has failed to make a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2).

Appellant's motion for leave to proceed in forma pauperis is DENIED AS MOOT.

Appellant's motion for appointment of counsel on appeal is DENIED AS MOOT.

A True Copy - Attested:
Clerk, U. S. Court of Appeals,
Eleventh Circuit

By: Mildred K. Newwood
Deputy Clerk
Atlanta, Georgia

/s/ Gerald Bard Tioflat
UNITED STATES CIRCUIT JUDGE